

# EXHIBIT A

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www.randstad.com



Staffing | Professionals | HR Solutions | Inhouse Services

August 5, 2016

Mr. Jason E. Payne  
The Payne Firm, P.C.  
2900 Smith Street, Ste. 200  
Houston, TX 77006

Dear Mr. Payne:

As counsel for Randstad Professionals US, LP d/b/a Randstad Sourceright, which serves as the Managed Service Provider ("MSP") for Fiserv, Inc. ("Fiserv"), I am writing in response to your Letters of Representation of Lucreasha McKinney to Fiserv dated April 13, 2016 and June 19, 2016.

Please note that Ms. McKinney was not an employee of Fiserv or Randstad. Rather, she was employed at all relevant times by Spartan Staffing, Inc. ("Spartan"), and was placed on assignment by Spartan at Fiserv. While I am not aware of the events you reference in your letter, based on the limited information you provided, it appears that this matter should be handled through Spartan's workers' compensation insurance program. Therefore, please direct all future communications regarding Ms. McKinney's employment with Spartan, including her assignment at Fiserv, to Spartan.

Additionally, it is unclear whether you represent Ms. McKinney. We understand that Ms. McKinney has informed Spartan that you do not represent her and that she has no interest in pursuing a claim.

Please feel free to contact me should you have any questions.

Regards,

A handwritten signature in black ink that reads "Jamie E. Kitces".

Jamie E. Kitces  
Senior Counsel, Randstad Professionals  
150 Presidential Way, 4<sup>th</sup> Floor  
Woburn, MA 01801  
T 781 213 1592  
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[jamie.kitces@randstadusa.com](mailto:jamie.kitces@randstadusa.com)

cc: Ms. Johnna Porfilio

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November 22, 2016

*VIA U.S. and ELECTRONIC MAIL*

Alma D. Velazquez  
Sr. Paralegal/Case Manager  
Payne Law Firm  
2900 Smith Street, Ste. 200  
Houston, TX 77006

**Re: Response to October 12, 2016 Letter regarding Lucreasha McKinney**

Dear Ms. Velazquez:

As counsel for Randstad Professionals US, LP d/b/a Randstad Sourceright, which serves as the Managed Service Provider ("MSP") for Fiserv, Inc. ("Fiserv"), I am writing in response to your Letter of Representation of Lucreasha McKinney dated October 12, 2016.

As previously explained, please note that Ms. McKinney was not an employee of Fiserv or Randstad. Rather, she was employed at all relevant times by Spartan Staffing, Inc. ("Spartan"), and was placed on assignment by Spartan at Fiserv.

Also, as previously explained, based on the information provided, which indicates that Ms. McKinney was injured while at work, it is clear that this matter should be handled through Spartan's workers' compensation insurance program, which is the exclusive remedy to Ms. McKinney. Please note that both Randstad and Fiserv were named as Alternate Employers under Spartan's Workers' Compensation policy. *See* Certificate of Insured, attached. The Stower's Doctrine, which you cited in your letter, does not change this fact or our analysis of this case. The Stower's Doctrine pertains to an insurer's obligations to its insured. Randstad and Fiserv are not insurers and do not insure Spartan.

Accordingly, please direct all future communications regarding Ms. McKinney's employment with Spartan, including her assignment at Fiserv, to Spartan. Spartan can assist your client with filing a workers' compensation claim, if she has not done so already.

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that appears to read "Jamie E. Kitces".

Jamie E. Kitces  
Associate General Counsel and AVP  
Randstad Professionals US, LP  
781-213-1592  
[Jamie.kitces@randstadusa.com](mailto:Jamie.kitces@randstadusa.com)

Page 2

Cc: Ms. Deborah Wheeler  
Ms. Johnna Porfilio

**Therese Mathers**

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**From:** Shardonofsky, Steve <SShardonofsky@seyfarth.com>  
**Sent:** Tuesday, March 27, 2018 11:46 AM  
**To:** tmathers@paynelawfirm.com  
**Cc:** Shardonofsky, Steve  
**Subject:** RE: Lucreasha McKinney v. Fiserv & Randstad

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Therese,

You asked me to send you a quick reminder and follow up about this case in a few days. So here it is. Can we talk again sometime tomorrow or Thursday after you've had a chance to review and re-assess?

Thanks,  
Steve

**Steve Shardonofsky** | Partner | Seyfarth Shaw LLP  
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**From:** Shardonofsky, Steve  
**Sent:** Friday, March 23, 2018 1:34 PM  
**To:** [tmathers@paynelawfirm.com](mailto:tmathers@paynelawfirm.com)  
**Cc:** Shardonofsky, Steve <SShardonofsky@seyfarth.com>  
**Subject:** RE: Lucreasha McKinney v. Fiserv & Randstad

Right. That's the same letter (see second paragraph). She wasn't employed by Randstad or Fiserv -- she was employed by Spartan. By contract, Spartan named Randstad and Fiserv on its workers comp insurance policy... The certificate of insurance showing that is on page 3.

Steve

**Steve Shardonofsky** | Partner  
Houston | Ext: 741001 (+1-713-225-1001) | Mobile: +1-713-269-9640  
[sshardonofsky@seyfarth.com](mailto:sshardonofsky@seyfarth.com)

**From:** Therese Mathers [<mailto:tmathers@paynelawfirm.com>]

**Sent:** Friday, March 23, 2018 12:24 PM

**To:** Shardonofsky, Steve <[SShardonofsky@seyfarth.com](mailto:SShardonofsky@seyfarth.com)>

**Subject:** RE: Lucreasha McKinney v. Fiserv & Randstad

Steve,

Off the top of my head I remember there being a letter from yall saying Ms. McKinney was not an employee.

I will follow up per our agreement earlier.

Cordially,

**Therese Mathers M.A., J.D**

Associate Attorney

Payne Law Firm, P.C.

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**From:** Shardonofsky, Steve [<mailto:SShardonofsky@seyfarth.com>]

**Sent:** Friday, March 23, 2018 11:29 AM

**To:** [tmathers@paynelawfirm.com](mailto:tmathers@paynelawfirm.com)

**Cc:** Shardonofsky, Steve

**Subject:** Lucreasha McKinney v. Fiserv & Randstad

**Importance:** High

Therese,

In advance of our call later this afternoon, here's a letter my client sent to you guys a while back (like way back in 2016). This will be helpful for our discussion. I'm happy to pass along plenty of case cites to support our position on the workers' comp. exclusivity bar.

Thanks,  
Steve

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